**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 15073 of 2004**

Between:

Cheerla Uppari Balaswamy, S/o. Cheerla Uppari Chinnaiah, R/o. Wanaparthy.

..... PETITIONER

AND

1 Divisional Forest Officer, Government of Andhra Pradesh, Mahabubnagar.
2 Mandal Revenue Officer, Government of Andhra Pradesh, Wanaparthy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or direction particularly one in the nature of MANDAMUS the inaction on the part of the respondent in correctly projecting the five acres of land assigned to the Petitioner's father in the assignment order is in Survey No.56 of Srinivaspur Village instead of Survey No.55 as illegal, arbitrary and consequently direct the respondents to forthwith correctly project five acres of land assigned to his father, which is presently in his possession and cultivation is in survey No.56 of Srinivaspur Village and grant Patta in respect of the said land

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR REVENUE

**The Court made the following ORDER:**

In view of the Forest Conservation Act, 1980 (for short 'the Act') even if the petitioner is in possession of the Forest land, the same cannot be declared as non-forest land without prior permission of Central Government and any possession of the petitioner over the said land and non-forest activity is unauthorized and contrary to the orders passed by the Apex Court in **T.N.Godavarman Thirumulkpad vs. Union of India.**

In view of the same, the petitioner can pursue his remedy before the Revenue and Forest Officers, in the light of the guidelines issued under the Act.

The writ petition is accordingly disposed of. No costs.

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A.Gopal Reddy, J

Date: 25.08.2004

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To

1 Divisional Forest Officer, Government of Andhra Pradesh, Mahabubnagar.
2 Mandal Revenue Officer, Government of Andhra Pradesh, Wanaparthy.

3 Two CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad (OUT)

4 Two CD Copies